

Response Under 37 CFR 1.116  
Expedited Procedure  
Examining Group 2125

### Remarks

In numbered paragraph 11 of the Office Action, the Examiner notes that the Applicant argues that the primary reference to Deckard will only work if the desired thickness of the mound of powder is absolutely thicker than the maximum of the uneven or projecting sections, but the claim language being used does not discuss projecting sections or uneven sections.

Proposed amended claims 1 and 2 were submitted to the Examiner for review. In the Interview Summary of 05/13/2005, the Examiner noted that the proposed changes to claim 1 would overcome the prior art, and the changes proposed were brought in from the specification. Applicant was instructed to submit an RCE for this Amendment, since the changes were submitted after final action.

To further discuss the prior art rejections, Applicant notes the following:

Deckard discloses according to column 6, lines 40 to 43 a levelling mechanism which comprises a cylindrical drum having an outer knurled surface as shown in Figure 10. This drum is rotated by a belt. If this drum is moved across the target area as described in column 9 lines 45 to 50 the rotating drum will disturb projecting sections which are larger than a predetermined layer. Also, uneven sections, especially by creating delicate structures, will be disturbed if such a drum will moved across the target area and will come into touch with uneven sections. Furthermore, the area adjacent to the uneven or projecting section will also be stressed or strongly influenced and could damage delicate structures. This is only avoided by posting the drum above the target are for levelling a layer thickness which is larger than the uneven or projecting sections.

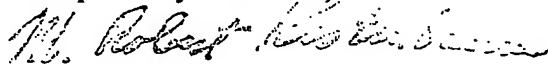
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A one-month extension of time in which to respond to the outstanding Office Action is hereby requested. Credit Card Payment Form PTO-2038 is enclosed to cover the prescribed Small Entity one-month extension fee of \$60.00.

In addition, an RCE is enclosed with payment of the prescribed Small Entity RCE fee of \$395.

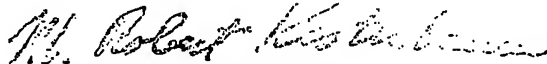
Wherefore, further consideration and allowance of the claims is respectfully requested.

Respectfully submitted,



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I hereby certify this correspondence is being submitted to Commissioner for Patents, Washington, D.C. 20231 by facsimile transmission on June 2, 2005, fax number 571-273-3744.



M. Robert Kestenbaum